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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,951	07/27/2001	Scott Fergusson	1137.1103101	9341

28075 7590 09/08/2006

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EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT PAPER NUMBER

3623

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/916,951

Applicant(s)

FERGUSON ET AL.

Examiner

Linda Krisciunas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-26 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-26 and 28-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. The following is a Final office action in response to the amendments filed August 15, 2006. Claims 1-6, 8-26 and 28-36 are pending. Claims 1, 10 and 31 were amended. Claim 36 is newly added.

#### ***Response to Amendment***

2. The Examiner has fully considered the amendments to claims 1, 10 and 31 and they have been addressed in the art rejection below.

#### ***Response to Arguments***

3. The Examiner has fully considered the applicant's arguments but they are deemed not persuasive. The Examiner interprets the concept of "textual matter" to most closely represent line 16 on page 4 of the Specification: "letters, marketing materials, e-mails" since this term is not explicitly described in the Specification. Melchione et al (US 5,930,764) teaches the use of textual marketing materials in the teaching of sales leads by Melchione in column 7, lines 6-22 where part of the lead(s) contain address and contact information which is textual. Additionally, the information is sent to the bankers and used for sales calls and therefore must contain a phone number which is also textual. Also direct mailings are conducted, as noted in column 27, lines 45-50, which would constitute textual matter.

With regard to the argument that Melchione does not teach in claim 25 "representatives reviewed the notice and requested a customized listing", the Examiner disagrees and asserts that claim 14 cites that the sales leads are generated by the user entering in criteria information based upon the types of customers that will be interested

in the product(s) being offered. This constitutes reviewing the notice or sales offering information and requesting a list via entering in a search query for customers that may be interested in the product(s) or that are relevant to the product. The fact that the user can enter the system and query for a customer constitutes requesting the information. Since each banker is broken into a territory and can access the customers in his territory, the customers that are pulled up in the query by each banker would be those that the banker represents since they are in his territory.

With regard to the argument that Melchione does not teach a marketing appeal indicator in claim 25, the Examiner disagrees and asserts that viewing the sales results of the campaign constitutes an appeal indicator since the sales would be low if the appeal was low and vice versa. As noted in paragraph 6 of the Specification, "a marketing project efficacy indicator may be determined by comparing the revenue generated from the sales of the marketed product relative to a revenue goal." Melchione teaches in column 41, lines 63-67 the sales tracking component which provides the revenue generated by each banker.

With regard to the argument that 17 CFR Part 24 shows no motivation to combine with Melchione, the Examiner disagrees and asserts that "the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art." In re Keller, Terry, and Davies, 208 USPQ 871, 881 (CCPA

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1981). Since 17 CFR Part 24 is in the same field of endeavor as Melchioine, namely the financial institution field, it would have been obvious to combine features from both, thereby providing a means for checking rules and regulation (compliance information) prior to financial dealings.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-6, 8-26, 28-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "textual matter" is not described in the Specification.

Claims 1-6, 8-26, 28-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "customized" is not described in the Specification.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language cites "and/or" which is unclear and indefinite. The Examiner has interpreted this to mean "or" during review of the application.

Claims 1, 10, 25 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language cites "customized" which is unclear and indefinite.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-18, 20-30 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione et al (US 5,930,764).

As per claim 1, Melchione teaches a method for monitoring the efficacy of a marketing project for a product of a business, the method comprising the steps of: providing a customer database (10) for storing information about the customers of the business; providing a number of marketing project parameters (32); applying the

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number of marketing project parameters against the information in the customer database to identify selected customers (column 9, lines 1-5); providing a customized listing of customers to at least selected representatives, wherein each of the customized listings includes a listing of the selected customers that the particular representative represents (claim 14 cites that the sales leads are generated by the user entering in criteria information based upon the types of customers that will be interested in the product(s) being offered. This constitutes reviewing the notice or sales offering information and requesting a list via entering in a search query for customers that may be interested in the product(s) or that are relevant to the product. The fact that the user can enter the system and query for a customer constitutes requesting the information. Since each banker is broken into a territory and can access the customers in his territory, the customers that are pulled up in the query by each banker would be those that the banker represents since they are in his territory.); generating marketing material for the marketing project and providing the marketing material to each of the representatives that receives a customized listing (column 8, lines 61-66 where the branch managers request leads, and the leads, or marketing material, would be specific to that branch, ie the branch represents a certain portion of the leads, based upon geography or types of transactions); at least some of the representatives sending the marketing material to at least some of the selected customers listed in their customized listing, wherein at least part of the marketing material includes textual matter (column 27, lines 45-48, whereby a direct mailing would be textual matter); determining which or how many of the customers that were sent the marketing material by their

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representatives actually purchased the product (column 41, lines 63-67 the sales tracking component which provides the revenue generated by each banker); and determining a marketing project efficacy indicator (column 9, line 67 and column 10 lines 1-6) by noting which or how many of the customers that were sent the marketing material by their representative actually purchased the product (column 40, line 59 and column 6, lines 49-51. See also column 9, lines 45-67 and column 10, lines 1-8 where the leads are entered into the CCIS system and assigned to bankers. The system provides detailed access to the sales transactions for each banker and one can view the sales results for the various campaigns to track the performance and make adjustments in the campaign as needed.).

Melchione does not explicitly teach customized lists, but the act of querying a database to select customers in your assigned territory that generates a list of leads is deemed equivalent as it performs an identical function in substantially the same manner with substantially the same results. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead system of Melchione with a customizable featured one to provide means for segregating customers to the optimal sales person, whether it be by product line or geography.

Melchione does not explicitly teach "textual matter", but Melchione does teach a direct mailing in column 27, lines 45-48, whereby a direct mailing would be considered textual matter. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize textual matter with the lead generation system of



Melchione to provide means of sending information to customers about product offerings.

As per claim 2, Melchione teaches a method wherein the marketing project efficacy indicator is determined by comparing the number of customers that were sent the marketing material by their representative with the number of the customers that were sent the marketing material by their representative and actually purchased the product. (Melchione teaches a sales tracking and reporting component (column 40, line 59) which can generate various sales reports which would address the customers notified about the product and the sales generated from that. See also column 9, lines 45-67 and column 10, lines 1-8 where the leads are entered into the CCIS system and assigned to bankers. The system provides detailed access to the sales transactions for each banker and one can view the sales results for the various campaigns to track the performance and make adjustments in the campaign as needed.)

As per claim 3, Melchione teaches a method wherein the marketing project efficacy indicator is determined by comparing the number of customers that sent the marketing material by their representative with the number of the customers that were sent the marketing material by their representatives and did not purchase the product. (Melchione also discloses a sales tracking and reporting component (column 40, line 59) which can generate various sales reports which would address the customers notified about the product and the sales generated from that. See also column 9, lines 45-67 and column 10, lines 1-8 where the leads are entered into the CCIS system and

assigned to bankers. The system provides detailed access to the sales transactions for each banker and one can view the sales results for the various campaigns to track the performance and make adjustments in the campaign as needed.)

As per claim 4, Melchione teaches a method further comprising the step of monitoring revenues generated from the purchase of the product by the customers that were sent the marketing material by their representative. (Revenue calculations (column 41, line 66) would monitor revenues generated from product sales.)

As per claim 5, Melchione teaches a method wherein the marketing project efficacy indicator is determined by comparing the revenues generated from the sale of the marketed product relative to a revenue goal. (Revenue calculations (column 41, line 66) and goal reports (column 41, line 51) are efficacy indicators.)

As per claim 6, Melchione teaches a method wherein the marketing project efficacy indicator is determined by comparing the number of products sold versus a goal. (Revenue calculations (column 41, line 66) and goal reports (column 41, line 51) would be efficacy indicators.)

As per claim 8, Melchione teaches a method of modifying the marketing material if the marketing project efficacy indicator is deemed to be too low. (Means for modifying said campaign if not optimal, wherein the campaign encompasses all aspects of the marketing program (column 10, lines 4-6).)

As per claim 9, Melchione teaches a method of modifying selected marketing project parameters if the marketing project efficacy indicator is deemed to be too low. (Means for modifying said campaign if not optimal, wherein the campaign encompasses all aspects of the marketing program (column 10, lines 4-6).)

As per claim 10, Melchione teaches a method for marketing a product to customers of a business, wherein the business has a number of representatives, and each representative represents particular customers, the method comprising the steps of: providing a customer database for storing information about the customers of the business(10); providing a number of marketing project parameters (32); applying the number of marketing project parameters against the information in the customer database to identify selected customers (column 9, lines 1-5); providing a customized listing to at least some of the representatives, each of the customized listings including the portion of the selected customers that are represented by the particular representative (claim 14 cites that the sales leads are generated by the user entering in criteria information based upon the types of customers that will be interested in the product(s) being offered. This constitutes reviewing the notice or sales offering information and requesting a list via entering in a search query for customers that may be interested in the product(s) or that are relevant to the product. The fact that the user can enter the system and query for a customer constitutes requesting the information. Since each banker is broken into a territory and can access the customers in his territory, the customers that are pulled up in the query by each banker would be those that the banker represents since they are in his territory); at least some of the

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representatives electing to provide marketing material about the product to at least some of their customers listed on their customized listing, wherein the marketing material is personalized to at least appear to be from the representative. (Melchione teaches the concept of “representatives” and their contact with customers (column 62, lines 31-34) wherein the branch workstations are deemed equivalent to the term “representative” as they perform the identical function in substantially the same manner and produce substantially the same results.)

Melchione does not explicitly teach customized lists, but the act of querying a database to select customers in your assigned territory that generates a list of leads is deemed equivalent as it performs an identical function in substantially the same manner with substantially the same results. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead system of Melchione with a customizable featured one to provide means for segregating customers to the optimal sales person, whether it be by product line or geography.

Melchione does not explicitly teach “textual matter”, but Melchione does teach a direct mailing in column 27, lines 45-48, whereby a direct mailing would be considered textual matter. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize textual matter with the lead generation system of Melchione to provide means of sending information to customers about product offerings.

As per claim 11, Melchione teaches a method for monitoring how many and/or which of the customers that were provided marketing material about the product actually

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purchased the product from their representative. (Melchione teaches a sales tracking and reporting component (column 40, line 59) which can generate various sales reports which would address the customers notified about the product and the sales generated from that. If the person was notified about the product it is deemed equivalent to receiving marketing information as this performs the same function in substantially the same manner and produces substantially the same result.)

As per claim 12, Melchione teaches a method of determining a marketing project efficacy indicator for the marketing project by examining which of the customers that were provided with marketing material about the product actually purchased the product. (Melchione teaches a sales tracking and reporting component (column 40, line 59) which can generate various sales reports which would address the customers notified about the product and the sales generated from that. If the person was notified about the product it is deemed equivalent to receiving marketing information as this performs the same function in substantially the same manner and produces substantially the same result.)

As per claim 13, Melchione teaches a method wherein the marketing project efficacy indicator is determined by comparing the number of customers that were provided marketing material with the number of those customers that were provided marketing material that actually purchased the product from a representative of the business. (Melchione teaches a sales tracking and reporting component (column 40, line 59) which can generate various sales reports which would address the customers

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notified about the product and the sales generated from that. If the person was notified about the product it is deemed equivalent to receiving marketing information as this performs the same function in substantially the same manner and produces substantially the same result.)

As per claim 14, official notice is taken for determining common characteristics for those customers that actually purchased the product from a representative of the business. (Official notice is taken that both the concept and the advantages of determining common characteristics for customers that purchased the product are well known and expected in the art. It would have been obvious to conduct research on customers to better understand their motivation for purchasing the product.)

As per claim 15, Melchione teaches a method of monitoring how many and/or which of the customers that were provided marketing material about the product did not purchase the product from their representative of the business. (Melchione teaches a sales tracking and reporting component (column 40, line 59) which can generate various sales reports which would address the customers notified about the product and the number of orders generated, leaving a simple subtraction for determining the number of those that did not purchase the product. If the person was notified about the product it is deemed equivalent to receiving marketing information as this performs the same function in substantially the same manner and produces substantially the same result.)

As per claim 16, Melchione teaches a method for determining a marketing project efficacy indicator for the marketing project by examining which of the customers that were provided with marketing material about the product did not purchase the product. (Melchione teaches a sales tracking and reporting component (column 40, line 59) which can generate various sales reports which would address the customers notified about the product and the number of orders generated, leaving a simple subtraction for determining the number of those that did not purchase the product. If the person was notified about the product it is deemed equivalent to receiving marketing information as this performs the same function in substantially the same manner and produces substantially the same result.)

As per claim 17, Melchione teaches that the marketing project efficacy indicator is determined by comparing the number of customers that were provided marketing material with the number of those customers that were provided marketing material that did not purchased the product from a representative of the business. (Melchione teaches a sales tracking and reporting component (column 40, line 59) which can generate various sales reports which would address the customers notified about the product and the number of orders generated, leaving a simple subtraction for determining the number of those that did not purchase the product. If the person was notified about the product it is deemed equivalent to receiving marketing information as this performs the same function in substantially the same manner and produces substantially the same result.)

As per claim 18, Melchione does not explicitly teach determining common characteristics for those customers that did not purchase the product from a representative of the business. Official notice is taken that both the concept and the advantages of determining common characteristics for customers that did not purchase the product are well known and expected in the art. It would have been obvious to conduct research on customers to better understand their motivation for purchasing and not purchasing the product.

As per claim 20-22, Melchione teaches a method wherein the customized listing of the selected customers is provided to each of the representatives that received a customized listing in a format that is compatible with: printing labels, printing envelopes or post cards and a merge function of an application program.(Melchione already teaches targeted marketing techniques used including direct mailing, telemarketing and computer banking (column 4, lines 8-37), as well as a means for downloading reports and files to local printers or storage devices (column 8, lines 49-50) and a merge process (column 16, line 33).

Melchione does not explicitly teach customized lists, but the act of querying a database to select customers in your assigned territory that generates a list of leads is deemed equivalent as it performs an identical function in substantially the same manner with substantially the same results. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead system of Melchione with a customizable featured one to provide means for segregating customers to the optimal sales person, whether it be by product line or geography.



As per claim 23-24, Melchione teaches a method wherein the customized listing of the selected customers is provided to each of the representatives that received a customized listing in a format that is compatible with a spreadsheet application program and compatible with an e-mail program.(Melchione teaches electronic sales and support (column 14, line 55). Official notice is taken that at the time of the invention the use of e-mail and spreadsheets were well known to those of ordinary skill in the art and would therefore have been obvious to incorporate. In addition, a database can be defined as a spreadsheet and Melchione teaches a database as already noted in claim 1. )

Melchione does not explicitly teach customized lists, but the act of querying a database to select customers in your assigned territory that generates a list of leads is deemed equivalent as it performs an identical function in substantially the same manner with substantially the same results. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead system of Melchione with a customizable featured one to provide means for segregating customers to the optimal sales person, whether it be by product line or geography.

As per claim 25, Melchione teaches a method for marketing a product to customers of a business, wherein the business has a number of representatives, and each representative represents a portion of the customers, the method comprising the steps of: providing a customer database for storing information about the customers of the business (10); providing a marketing project having a number of marketing project parameters (32); applying the number of marketing project parameters against the

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information in the customer database to identify selected customers (column 9, lines 1-5); providing a notice announcing the marketing project to one or more of the representatives (); at least some of the representatives reviewing the notice and requesting a customized listing that includes a listing of the portion of the selected customers that are represented by the representative; and determining a marketing project appeal indicator by monitoring how many representatives reviewed the notice and requested a customized listing ().

Melchione does not explicitly teach customized lists, but the act of querying a database to select customers in your assigned territory that generates a list of leads is deemed equivalent as it performs an identical function in substantially the same manner with substantially the same results. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead system of Melchione with a customizable featured one to provide means for segregating customers to the optimal sales person, whether it be by product line or geography.

As per claim 26, Melchione teaches a method wherein the customized listing of selected customers is provided to one or more of the representatives upon initiation by the representative. (See Figure 1A, where the Micromarketing centers or "representatives" request information from the database to obtain the customer information.)

As per claim 28, Melchione teaches a method for making a contact entry in the customer database when a representative contacts a customer about the product; and

determining a marketing project appeal indicator by monitoring the contact entries in the customer database. (Melchione teaches a tracking and reporting management tool for daily sales and to track performance (column 33, lines 61-66).)

As per claim 29, Melchione teaches a method wherein the customized listing of the selected customers that is provided to a particular representative only include customers that the particular representative represents. (Melchione teaches leads which are distributed among selected bankers within the branch (column 33, lines 39-45).)

As per claim 30, Melchione teaches a method wherein an identifier for each customer that actually purchased the product is generated by having each representative initiate the recording of each sale of the product in the customer database. (Melchione discloses tracking and reporting management tools for daily sales and to track performance (column 33, lines 61-66).)

As per claim 36, it recites the same limitations as claims 1 and 3 and is therefore subject to the same art rejection(s).

10. Claims 19 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione, in view of 17 CFR Part 248 which is a financial services regulation related to Privacy of Consumer Information.

As per claim 19, Melchione teaches a method wherein the business is a financial services business, the method further comprising the steps of: generating marketing material; checking the marketing material for compliance with applicable rules and regulations, thereby resulting in compliant marketing material; providing the compliant

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marketing material, as well as the customized listing of selected customers, to each of the representatives that received a customized listing. (Melchione teaches the “financial services business” in equivalent terms as a financial institution (column 5, line 61), as well as marketing campaigns (column 8, line 54) which is deemed equivalent to marketing material as it performs an identical function in substantially the same manner and generates substantially the same results. This material is distributed to the “representatives” as previously mentioned in claim 10. Melchione does not explicitly teach the requirement of having financial materials comply with a standard. But, official notice is taken of 17 CFR Part 248 which teaches that it is known for a financial institution to comply with various standards such as those forth in the Gramm-Leach-Bliley Act concerning the Privacy of Consumer Financial Information. Since these are mandated laws in the United States, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the database as taught by Melchione with compliance requirements as taught by 17 CFR Part 248, since such a modification would provide the database with a means for maintaining the current level of security required for financial documents.)

Melchione does not explicitly teach customized lists, but the act of querying a database to select customers in your assigned territory that generates a list of leads is deemed equivalent as it performs an identical function in substantially the same manner with substantially the same results. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead system of Melchione with a

customizable featured one to provide means for segregating customers to the optimal sales person, whether it be by product line or geography.

As per claims 31-35, Melchione teaches generating marketing material (column 5, lines, 51-57: "The present invention provides a tool for establishing a long term and broad relationship with a customer by allowing those in charge of marketing financial services to access and discuss the full range of financial services presently used by the customer, as well as to only target optimum groups of customers for each marketing campaign conducted"); providing a customer database for storing information about the customers of the business (10); providing a number of marketing project parameters (32); applying the number of marketing project parameters against the information in the customer database to identify selected customers (column 9, lines 1-5); providing the compliant marketing material and a customized listing of the selected customers to at least some of the representatives (column 9, lines 44-52: "The branch managers receive the list of leads generated by the micromarketing center and electronically load the leads into the CCIS workstations for distribution among selected personal bankers within the branch. The branch managers assign the leads to the personal bankers most qualified to handle the leads, or based on the workload and availability of the personal bankers."); and at least some of the representatives providing the compliant marketing material to at least some of the customers listed on their customized listing of selected customers (column 9, lines 55-57: "The personal bankers then conduct sales sessions (e.g., telephone calls) with each of the customers on the list of leads.") and determining common characteristics for the customers that purchased the product

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(column 7, lines 65-67: "the central database is housed in a mainframe computer and includes a large repository of financial and demographic data." and column 8, lines 17-31: "Thus, the central database serves as a single central repository for storing all customer related information throughout the business. As described hereinafter, the central database can be used for a wide variety of customer service, financial analysis and marketing purposes. While a single central repository for storing all customer related information throughout a business offers significant potential, the database is necessarily so large that certain problems arise. For example, the present inventors recognize that a database of this size cannot practically be directly searched. Thus, in accordance with another aspect of the present invention, the system of the present invention includes means for allowing users to dynamically build programs for searching the central database" whereby it would be inherent that the database would sort the customers according to common characteristics.). Melchione does not explicitly teach checking the marketing material for compliance. Official notice is taken that 17 CFR Part 248 teaches that it is known to have compliant information in the banking/financial arena as these are mandated laws. Therefore it would have been obvious to one of ordinary skill in the art to combine the customer marketing database system of Melchione with the compliance features of 17 CFR Part 248 to provide a more comprehensive and marketable system.

Melchione does not explicitly teach customized lists, but the act of querying a database to select customers in your assigned territory that generates a list of leads is deemed equivalent as it performs an identical function in substantially the same manner

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with substantially the same results. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lead system of Melchione with a customizable featured one to provide means for segregating customers to the optimal sales person, whether it be by product line or geography.

Melchione does not explicitly teach "textual matter", but Melchione does teach a direct mailing in column 27, lines 45-48, whereby a direct mailing would be considered textual matter. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize textual matter with the lead generation system of Melchione to provide means of sending information to customers about product offerings.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMK

*LMK*  
*August 28, 2006*

*Romain J. Leaty*  
*Primary Examiner*  
*Art Unit 3623*